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FOR

## Dividing and Incloſing the Open and Common Fields and Meadows of *Stow*, within the Pariſh of *Threekingham*, in the County of *Lincoln*.

WHereas there are within and belonging to the Manor and Hamlet of *Stow*, within the Pariſh of *Threekingham*, in the County of *Lincoln*, ſeveral open and common Fields and Meadows, containing together Five hundred Acres or thereabouts: Preamble.

And whereas the Right Honourable *Mathew* Lord *Forteſcue* is Lord of the Manor of *Stow* aforeſaid, *Richard Wynne*, Eſquire, is Lord of the Manor of *Threekingham*, and ſeiſed of the Rectory Impropriate, and alſo of the Right of Preſentation of and to the Vicarage of the Pariſh Church of *Threekingham*, and intitled to all Rectorial or Great Tythes ariſing within

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the ſaid Pariſh, the Reverend *John Towers*, Clerk, is Vicar and Incumbent of the Pariſh and Pariſh Church of *Threekingham*, and in Right thereof is intitled to all Vicarial or Small Tythes ariſing within the ſaid Pariſh; and the ſaid *Mathew* Lord *Forteſcue*, the ſaid *Richard Wynne*, and other Perſons, are Proprietors of the ſaid Fields and Meadows, and in reſpect of their commonable Houſes are intitled to the Right of Common thereon:

**And whereas** the Lands of the Proprietors in the ſaid Fields and Meadows lie in great Part intermixed and diſperſed in ſmall Parcels, and cannot be properly manured and cultivated but at a great Expence, and are in their preſent Situation and Condition incapable of any conſiderable Improvement:

**And whereas** the ſaid ſeveral Proprietors of Lands lying in the ſaid open Fields and Meadows are deſirous that the ſame ſhould be divided and incloſed, and that a proper Recompence and Compenſation be made to the ſaid *Richard Wynne*, as Impropriator, and *John Towers*, Vicar of the Pariſh Church of *Threekingham* aforeſaid, for or in reſpect of the Great and Small Tythes belonging to them reſpectively; and that ſpecifick Parts and Shares of Land be allotted to the ſaid ſeveral Owners and Proprietots, in Proportion to and in Lieu of their ſeveral Eſtates, Properties, Intereſts, and Right of Common, in, over, and upon the ſaid Fields and Meadows;

**But although** ſuch Diviſion and Incloſure would tend greatly to the Advantage of the Parties concerned, and to the Improvement of their ſeveral Eſtates and Properties, **Yet** the ſame cannot be effectually eſtabliſhed without the Authority of Parliament;

May it therefore pleaſe your MAJESTY,

That it may be **Enacted**; **And be it Enacted**, by the KING's moſt Excellent MAJESTY, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Thomas Hogard* of *Spalding* in the ſaid County of *Lincoln*, *Thomas Oldknow* of the Town and County of the Town of *Nottingham*, and *John Thiſtlewood* of *Tupholm* in the ſaid County of *Lincoln*, Gentlemen, and their Succeſſors, to be appointed in Manner herein after-mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing and incloſing the ſaid Fields and Meadows, and for putting this Act into Execution.

Commiſſioners.

**And be it further Enacted**, by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of

of any of the Powers given by this Act (except the Power hereby given of adminiſtering the Oath hereafter mentioned) until he ſhall have taken and ſubſcribed an Oath to the Effect following:

Commiſſioners Oath.

I A. B. *do ſwear, That I will faithfully, impartially, and honeſtly, to the beſt of my Skill and Judgment, execute the Truſts repoſed in me as a Commiſſioner by virtue of an Act "for Dividing and Incloſing "the Open and Common Fields and Meadows of* Stow, *within the Pa-"riſh of* Threekingham, *in the County of* Lincoln:"

Which Oath it ſhall and may be lawful for any One of the ſaid Commiſſioners to adminiſter, and he is hereby required to adminiſter the ſame to any other of the ſaid Commiſſioners; and the ſaid Oath, ſo taken and ſubſcribed by each Commiſſioner, ſhall be inrolled with the Clerk of the Peace for the Diviſion of *Keſteven*, in the County of *Lincoln*, at the ſame Time as the Award or Inſtrument made by the ſaid Commiſſioners is herein after directed to be inrolled.

Survey to be made.

And, for the more juſt and equitable Diviſion and Diſtribution of the Lands intended to be divided and incloſed in purſuance of this Act, **Be it further Enacted**, That all the preſent Incloſures in the ſaid Hamlet of *Stow*, and all the Lands intended to be divided and incloſed in purſuance of this Act, ſhall be ſurveyed and meaſured by the ſaid *Thomas Oldknow* and *John Thiſtlewood*, or One of them, or, in caſe of their Death or Refuſal, by ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Two of them, ſhall appoint; and ſuch Survey ſhall be reduced into Writing, and the Number of Acres, Roods, and Perches, in Statute Meaſure, belonging to each Proprietor, in the ſaid Fields, Meadows, and preſent Incloſures, and alſo the Number of commonable Houſes intitled to Right of Common, ſhall be therein aſcertained and expreſſed; which Survey ſhall be delivered to the ſaid Commiſſioners, or any Two of them, as ſoon as conveniently may be after the ſame ſhall be completed, to be by them kept for the Purpoſes of this Act.

**And be it further Enacted**, That neither the ſaid *Thomas Oldknow* or *John Thiſtlewood*, nor any other Perſon or Perſons whom the ſaid Commiſſioners, or any Two of them, ſhall appoint to make ſuch Survey as aforeſaid, ſhall be capable of acting as a Surveyor or Surveyors for the Purpoſes aforeſaid, until he or they ſhall have taken and ſubſcribed an Oath to the following Effect:

Surveyors Oath.

I A. B. *do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgment, make a true and diſtinct Survey of all the preſent Incloſures, Common Fields, and Meadows, within the Manor and Hamlet of* Stow, *within the Pariſh of* Threekingham,

Threekingham, *in the County of* Lincoln, *or ſuch Part thereof as I ſhall be directed and employed to ſurvey; and reduce the ſame into Writing, and therein ſet forth the Number of Acres, Roods, and Perches belonging to each Proprietor in the ſaid preſent Incloſures, Common Fields, and Meadows, within the Manor and Hamlet of* Stow, *within the Pariſh of* Threekingham *aforeſaid; und that I will lay a true and juſt Survey of the ſame before the Commiſſioners appointed to put in Execution an Act of Parliament "for Dividing and Incloſing the "Open and Common Fields and Meadows of* Stow, *within the Pariſh "of* Threekingham, *in the County of* Lincoln," *purſuant to the Directions of the ſaid Act.*

So help me GOD.

Which Oath it ſhall and may be lawful for any One or more of the ſaid Commiſſioners to adminiſter, and he and they is and are hereby impowered and required to adminiſter the ſame accordingly.

Allotments to be made.

**And be it further Enacted**, That the ſaid Commiſſioners, or any Two of them, ſhall, ſo ſoon as conveniently may be after the ſaid Survey ſhall have been laid before them, divide, ſet out, and allot the ſaid Fields and Meadows, in the following Manner; that is to ſay, in the Firſt Place, They ſhall ſet out and allot unto and for the ſaid *Richard Wynne*, as Impropriator, and the ſaid *John Towers* and his Succeſſors, Vicars of the ſaid Pariſh of *Threekingham*, in Lieu of and as a Compenſation for all the Tythes, both Great and Small, ariſing from the ſaid Fields and Meadows, and in due Proportion according to their reſpective Intereſts in ſuch Tythes, Two or more Parcels of Land in the ſaid Fields and Meadows, which, Quantity, Quality, and Situation conſidered, ſhall, in the Judgment of the ſaid Commiſſioners, or any Two of them, be equal in Value to One Seventh Part of the tytheable Lands in the ſaid Fields and Meadows; and ſhall alſo ſet out and allot unto and for the ſaid *Richard Wynne*, and the ſaid *John Towers* and his Succeſſors, Vicars as aforeſaid, ſuch other Parcels of Land in the ſaid Fields and Meadows, as ſhall, in the Judgment of the ſaid Commiſſioners, or any Two of them, be equal in Value to all the Tythes they are reſpectively intitled unto within or in reſpect of the Homeſteads and preſent Incloſures within the ſaid Hamlet of *Stow*; which laſt mentioned Parcels of Land ſhall be in Lieu of ſuch Tythes, and ſhall be deducted reſpectively from the Allotments to be made to the Owners of ſuch Homeſteads and Incloſures as are now Subject to the Payment of Tythes: And the ſaid Commiſſioners, or any Two of them, after making ſuch Diviſions and Allotments, ſhall ſet out and allot the Reſidue of the ſaid Fields and Meadows unto and amongſt the ſaid *Mathew* Lord *Foreſcue*, the ſaid *Richard Wynne*, and the Reſt of the Proprietors of Lands in the ſaid Fields and Meadows, in Proportion to their ſeveral and reſpectiv

ſpective Shares, Intereſts, Right of Common, or other Property therein; proper Allowance being made for their reſpective Shares of the Allotments ſet out in Lieu of the Tythes of the ſaid Homeſteads and preſent Incloſures.

**And whereas** the ſaid *Richard Wynne* and the ſaid Vicar are willing and deſirous that a proper Recompence and Satisfaction in Lands in the ſaid Fields and Meadows ſhould be made to the ſaid Vicar for or in reſpect of the Vicarial or Small Tythes ariſing from the Reſidue of the Homeſteads and old Incloſures belonging to the ſaid *Richard Wynne* in *Threekingham* aforeſaid; **Be it further Enacted,** That the ſaid Commiſſioners, or any Two of them, ſhall ſet out and allot to and for the ſaid *John Towers*, Vicar as aforeſaid, and his Succeſſors, a Parcel or Parcels of Land in the ſaid Fields and Meadows, which, Quantity, Quality, and Situation conſidered, ſhall, in the Judgment of the ſaid Commiſſioners, or any Two of them, be equal in Value to all the Tythes he is intitled to within or in reſpect of the Reſidue of the Homeſteads and old Incloſures belonging to the ſaid *Richard Wynne* in the Pariſh of *Threekingham* aforeſaid; which Parcel or Parcels of Land ſhall be in Lieu of ſuch Tythes, and Land to the Value thereof, ſhall be deducted from the Share or Allotment herein before directed to be made to the ſaid *Richard Wynne* in the ſaid Fields and Meadows.

Regard to be had to the Value of Lands.

**Provided always, and be it further Enacted,** That the ſaid Commiſſioners in making ſuch Allotments ſhall have due Regard to the Quality, as well as Quantity of the Lands, Right of Common, Tythes, and other Property belonging to each Perſon intereſted, and the Quality, Quantity, Situation and Convenience of the Lands and Grounds to be allotted in Lieu thereof, and ſhall make ſuch Allotments reſpectively as near as conveniently may be to the Houſes or Lands of the Perſons to whom ſuch Allotments ſhall be made.

Commiſſioners to determine Differences.

**And be it further Enacted,** That if any Difference or Diſpute ſhall ariſe between the Parties intereſted in the ſaid Diviſion and Incloſure, or any of them, touching or concerning their reſpective Shares, Rights, and Intereſts, or the reſpective Shares and Proportions which they or any of them ought to have upon ſuch Diviſion and Incloſure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Two of them, and they are hereby authorized and required, by Examination of Witneſſes upon Oath (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter) and upon other proper and ſufficient Enquiry, Evidence, and Satisfaction to hear and determine the ſame; and ſuch Determination ſhall be binding and concluſive to all Parties.

Roads to be ſet out.

**And be it further Enacted**, That the ſaid Commiſſioners, or any Two of them, ſhall and may ſet out and appoint all ſuch publick and private Ways or Roads, and give ſuch Directions for making and erecting ſuch Fences, Hedges, Gates, Stiles, Banks, Bridges, Tunnels, Ditches, and Drains as they ſhall think convenient, in, over, and upon the Incloſures to be made by virtue of this Act, ſo that all ſuch publick Roads ſhall be and remain at leaſt Sixty Feet broad between and excluſive of the Ditches or other Fences; and the ſaid private Roads ſhall be of ſuch Breadth as the ſaid Commiſſioners, or any Two of them, ſhall order and direct; and all ſuch publick Roads or Ways ſhall, at all Times thereafter be maintained and kept in Repair in ſuch Manner as the former Roads and Ways were uſually repaired within the ſaid Pariſh, and as other publick Highways are or ſhall be by Law directed to be repaired; and after making the Roads and Ways ſo to be ſet out and appointed, it ſhall not be lawful for any Perſon or Perſons to uſe any other Roads or Ways, either publick or private, over or through the ſaid new Incloſures, on Foot, or with Horſes, Cattle, or Carriages; and that all the former Roads and Ways which ſhall not be ſet out and appointed as the Roads and Ways through the ſaid intended Incloſures, ſhall be deemed Part of the Lands intended to be incloſed, and ſhall be divided and allotted accordingly as Part of ſuch Lands; and that all the private Ways, Fences, Hedges, Gates, Stiles, Banks, Bridges, Tunnels, Ditches, and Drains ſo to be ſet out, appointed, and erected as aforeſaid, ſhall be made and provided, and at all Times thereafter be repaired, cleanſed, maintained, and kept in Repair by ſuch Perſon or Perſons, and in ſuch Manner as the ſaid Commiſſioners, or any Two of them, ſhall by their Award or Inſtrument herein after mentioned, order, direct, and appoint.

Allotments to the Impropriator and Vicar to be fenced by the other Proprietors.

**And be it further Enacted**, That all the Allotments which ſhall be made to the ſaid *Richard Wynne*, for or in reſpect of his Rectorial or Great Tythes ariſing from the Fields, Meadows, Homeſteads, and preſent Incloſures of *Stow* aforeſaid, and to the ſaid *John Towers*, Vicar, and his Succeſſors, for or in reſpect of his Vicarial or Small Tythes ariſing from the ſaid Fields, Meadows, Homeſteads, and preſent Incloſures, in purſuance of this Act, ſhall be incloſed and fenced with a ſufficient Ring Fence, in ſuch Manner and in ſuch Shares and Proportions as the ſaid Commiſſioners, or any Two of them, ſhall in their Award or Inſtrument direct, at the Expence of the Proprietors of the other Allotments; and that the Allotment or Allotments to be made to the ſaid Vicar for or in reſpect of the Vicarial or Small Tythes ariſing from the Homſteads and old Incloſures belonging to the ſaid *Richard Wynne* in *Threekingham* aforeſaid, ſhall be Ring-fenced in like Manner at the Expence of the ſaid *Richard Wynne*; and that all ſuch Fences ſhall be for ever thereafter maintained and repaired by the ſaid

ſaid Impropriator and the ſaid Vicar, and his Succeſſors for the Time being.

**And be it further Enacted**, That each and every of the Proprietors of the Incloſures to be made by virtue of this Act, ſhall have full Liberty, for the Space of Seven Years only from the Time of the Execution of the Award or Inſtrument herein after-mentioned, to erect, ſet up, and continue any Gate or Gates acroſs any Part of the ſaid Roads againſt his or their own Land, for keeping out Sheep or other Cattle, and to prevent the deſtroying of any Banks, Wood-plants, Quickſets, or Fences which ſhall be made or planted for incloſing or fencing any Part or Parcel of the ſaid Lands or Grounds to be incloſed as aforeſaid, ſo as ſuch Gate or Gates ſhall not prevent any Perſon or Perſons with Horſes, Cattle, or Carriages paſſing and repaſſing through the ſaid Roads. Gates may be ſet up.

**And be it further Enacted**, That all and every Perſon and Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act, ſhall and they are hereby required to accept his, her, and their reſpective Allotments and Shares within the Space of Six Calendar Months next afert the Execution of the Award or Inſtrument herein after-mentioned, Notice being firſt given ſome *Sunday* immediately after Divine Service in the Pariſh Church of *Threekingham* aforeſaid, and alſo in Writing affixed on the great or common Door of the ſaid Church, ſigned by the ſaid Commiſſioners, or any Two of them; which Notice the ſaid Commiſſioners, or any Two of them, are hereby required to cauſe to be ſo publiſhed and given: And in caſe any Perſon or Perſons ſhall neglect or refuſe to accept his, her, or their Allotment or Allotments within the Time before-mentioned, ſuch Perſon or Perſons ſo neglecting or refuſing ſhall be totally excluded from any Eſtate, Intereſt, Tythes, Right of Common, or other Property whatſoever, in, over, and upon any of the Lands aſſigned or allotted to any other Perſon or Perſons by virtue of this Act. Time for accepting Allotments.

**And be it further Enacted**, That the Guardians, Husbands, and Committees, Truſtees or Attornies of any Perſon or Perſons, being Minors, under Coverture, beyond the Seas, or otherwiſe incapable by Law to accept ſuch Allotments ſo to be made as aforeſaid, ſhall be and are hereby enabled and required to accept thereof for the Uſe of ſuch Perſon or Perſons ſo incapacitated as aforeſaid; and ſuch Acceptance ſhall be and is hereby declared to be as valid and effectual as if the Perſon or Perſons for whom the ſame ſhall be made reſpectively were capable of acting for themſelves; any Thing herein contained to the contrary notwithſtanding. Guardians may accept for Perſons incapable.

**Provided**

Their not accepting not to bar Infants, &c.

**Provided always**, That the Non-claim or Non-acceptance of any Guardian, Husband, Committee, Truſtee or Attorney ſhall not exclude or prejudice the Claim or Acceptance of any Infant, Feme-covert, or other Perſon under ſuch Diſability or Incapacity as aforeſaid, who ſhall claim or accept within Twelve Calendar Months after ſuch Diſability removed; or of any Perſon or Perſons intitled as Heir, or in Remainder after the Death of any Perſon dying under ſuch Diſability or Incapacity, who ſhall claim or accept within Twelve Calendar Months after his, her, or their Right, Title, or Intereſt ſhall have deſcended, veſted, or accrued.

For diſpoſing of Trees or Fences.

**And be it further Enacted**, That all Fences, Trees, Underwoods, Hedges, Buſhes, or Shrubs growing or being upon any of the Lands or Grounds allotted by virtue of this Act, ſhall be valued by the ſaid Commiſſioners, or any Two of them; and ſuch Conſideration ſhall be paid for them to the reſpective preſent Owner or Owners of the ſaid Land or Ground whereon the ſame ſhall ſtand or grow as the ſaid Commiſſioners, or any Two of them, ſhall think reaſonable, by ſuch Perſon or Perſons to whom the ſame Land or Ground ſhall be allotted; or it ſhall and may be lawful to and for ſuch former Owner or Owners thereof reſpectively, if he, ſhe, or they ſhall not think proper to accept ſuch Conſideration as aforeſaid, to enter upon the Premiſes, and to cut down ſuch Fences, Trees, Underwoods, Hedges, Buſhes, or Shrubs, and with Horſes, Carts, and Carriages to take and carry away the ſame for his and their reſpective Uſe and Benefit, within ſuch Time after ſuch Allotment made as the ſaid Commiſſioners, or any Two of them, ſhall appoint, unleſs any ſuch Hedges ſhall be aſſigned by the ſaid Commiſſioners, or any Two of them, as the Boundary Fence to or for any Allotment or Allotments to be made by virtue of this Act, in which Caſe ſuch Hedges ſhall be left in ſuch State as the ſaid Commiſſioners, or any Two of them, ſhall in their Award order and direct for the Benefit of the Proprietors of ſuch Allotments reſpectively; and the Owners of ſuch Hedges ſhall then accept of from the ſaid Proprietors ſuch Allowance and Conſideration for the ſame as the ſaid Commiſſioners, or any Two of them, ſhall ſpecify in their ſaid Award.

Not to cut Hedges or plough Ley Ground.

**And be it further Enacted**, That no Perſon or Perſons whatſoever ſhall, from the Time of Paſſing this Act until the ſaid Commiſſioners ſhall have executed the ſaid Award, cut down, take, or carry away any Hedges or Thorns which ſhall be ſtanding, growing, or being in or upon the ſaid Fields and Meadows, or any Part thereof, without the Licence and Conſent of the ſaid Commiſſioners firſt had and obtained in Writing for that Purpoſe; and that no Perſon ſhall plough, break up, or convert into Tillage any Ley, Meadow, or Paſture Ground, from

from the Paſſing of this Act until the executing of the ſaid Award, without ſuch Licence and Conſent as aforeſaid firſt had and obtained.

**And be it further Enacted**, That for the more convenient Situation and Diſpoſition of the ſeveral Farms and Lands upon the ſaid intended Diviſion and Incloſure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Two of them, and they are hereby authorized and impowered to aſſign, allot, ſet out, and appoint any Part or Parcel of ancient incloſed Land, or any Part or Parcel of the Lands ſo intended to be divided and incloſed belonging to the ſaid Vicar, or any of the Proprietors of Lands within the ſaid Hamlet of *Stow*, in Lieu of or in Exchange for any other Lands within or adjoining to the ſaid Hamlet, ſo as ſuch Exchange or Exchanges be aſcertained, ſpecified, and declared in the Award herein after-mentioned, and ſo as every ſuch Exchange be made by and with the Conſent and Approbation of the ſaid Vicar or Proprietors reſpectively intereſted therein (being Tenants in Fee Simple, in Tail for Life, or in Right of their Wives) ſuch Conſent to be teſtified and declared by ſome Inſtrument or Writing under his or their Hands and Seals reſpectively, which ſhall be annexed to and inrolled with the ſaid Award; and all and every ſuch Exchange and Exchanges ſo made ſhall be good, valid, and effectual in the Law to all Parties, and to all Intents and Purpoſes whatſoever. For exchanging Lands.

**And be it further Enacted**, That ſo ſoon as the ſaid Commiſſioners, or any Two of them, ſhall have completed and finiſhed the Partition, Diviſion, and Allotments of the ſaid common Fields and Meadows purſuant to the Directions of this Act, they the ſaid Commiſſioners, or any Two of them, ſhall prepare and draw up an Award or Inſtrument in Writing, which ſhall ſpecify and expreſs the Quantity, in Statute Meaſure, of the Acres, Roods, and Perches contained in the Lands and Grounds ſo intended to be divided and incloſed, and alſo the ſpecifick Quantity of each and every Part and Parcel thereof that ſhall be aſſigned and allotted to every Proprietor reſpectively; and ſhall alſo expreſs and deſcribe the Situations, Buttals, and Boundaries of the ſaid Parcels and Allotments reſpectively ſet out by virtue of this Act; and ſhall alſo ſet forth and preſcribe Orders and Directions for hedging, ditching, and fencing the ſame, and for maintaining and keeping ſuch Hedges, Ditches, and Fences in Repair, and for making and laying out proper Ways, Roads, Paſſages, Tunnels, and Drains, in, over, and through the ſaid Premiſes; and ſhall alſo contain ſuch Orders, Regulations, and Determinations, as ſhall be proper and neceſſary to be inſerted therein, conformable to the true Intent and Meaning of this Act: And the ſaid Award or Inſtrument ſhall be fairly engroſſed and written on Parchment, and ſigned and For making an Award.

ſealed by the ſaid Commiſſioners, or any Two of them, and ſhall, within Six Calendar Months next after the ſame ſhall be ſo ſigned and ſealed as aforeſaid, be inrolled with the Clerk of the Peace for the Diviſion of *Keſteven*, in the County of *Lincoln*; and the ſaid Award or Inſtrument ſhall be binding and concluſive unto and upon all the Parties intereſted in the ſaid Diviſion and Incloſure; and a Copy thereof, atteſted by the Officer with whom the ſame ſhall be inrolled, ſhall from time to time and at all Times thereafter, be admitted and allowed in all Courts whatſoever as legal Evidence thereof; which ſaid Copy ſuch Officer is hereby ordered and required to make and deliver to any Perſon or Perſons requiring the ſame, he, ſhe, or they paying for ſuch Copy after the Rate of Two Pence per Sheet, reckoning One hundred Words to each Sheet, and no more; and any Perſon or Perſons intereſted therein ſhall have Liberty to inſpect and peruſe the ſame, paying to ſuch Officer for every ſuch Inſpection or Peruſal One Shilling and no more; and the ſaid Award or Inſtrument, when ſo inrolled, ſhall be put into and kept in the Cheſt or Box wherein the Papers and Books relating to the Pariſh of *Threkingham* aforeſaid are uſually kept, to the End that Recourſe may be had to the ſame by any Perſon or Perſons intereſted in the ſaid Incloſure and Diviſion.

Allotments to be made in Lieu of former Property.

**And be it further Enacted,** That the ſeveral Lands and Grounds to be aſſigned, ſet out, and allotted unto and for the ſeveral Perſons who by virtue of this Act ſhall be intitled to the ſame, ſhall be and are hereby veſted in them reſpectively in full Bar of and Satisfaction and Compenſation for his, her, and their ſeveral Pieces and Parcels of Land which he, ſhe, and they reſpectively held before the Paſſing of this Act, or immediately before the ſaid Allotments were made; and alſo in full Bar, Satisfaction, and Compenſation of and for all Right of Common and other Right whatſoever in, over, and upon the ſaid common Fields and Meadows; and that from and immediately after the Execution of the ſaid Award or Inſtrument, of ſuch Tenor and Purport as afore-mentioned, or ſo ſoon thereafter as the ſaid Commiſſioners, or any Two of them, ſhall by the ſaid Award or Inſtrument appoint, all Right of Common belonging to or claimed by all and every the Owners, Proprietors, or Occupiers of Lands, Tenements, or other Hereditaments, and of all other Perſons whatſoever, in, over, and upon all the ſaid Lands and Grounds ſo intended to be divided and incloſed as aforeſaid, and every Part thereof, and alſo all Tythes, both Great and Small, and other Payments whatſoever ariſing from the Fields, Meadows, Homeſteads, and preſent Incloſures of *Stow* aforeſaid, and all Vicarial or Small Tythes and other Payments whatſoever ariſing from the Homeſteads and old Incloſures belonging to the ſaid *Richard Wynne* in *Threekingham* aforeſaid (Surplice Fees, *Eaſter* Offerings, and Mortuaries, which ſhall remain due and payable in the

the ſame Manner they would have done in caſe this Act had not been made, only excepted) ſhall ceaſe, determine, and be for ever extinguiſhed.

**Provided always, and be it Enacted,** That all and every Leaſe and Leaſes at Rack or extended Rent now ſubſiſting of any Tenant or Tenants upon any Part or Parts of the Premiſes by this Act directed to be divided and incloſed, and all other Agreements for any Time or Times therein, ſhall ceaſe, determine, and be void immediately upon ſuch Allotments and Diviſions being made, and upon the reſpective Leſſees or Tenants thereof, or their reſpective Repreſentatives, receiving from or being tendered by the reſpective Owners or Proprietors of the ſaid Premiſes whoſe Eſtates ſhall be affected by any ſuch Leaſes or Agreements an adequate Compenſation for the ſame reſpectively, to be ſettled and adjuſted by the ſaid Commiſſioners or their Succeſſors, or any Two of them, who are hereby authorized and directed to ſettle and adjuſt ſuch Compenſation; and what ſhall be ſo ſettled and adjuſted by them ſhall be binding and concluſive upon the Parties concerned to all Intents and Purpoſes whatſoever.

For vacating Leaſes at Rack-rent, &c.

**And be it further Enacted,** That from and after the Paſſing of this Act the ſaid Commiſſioners, or any Two of them, ſhall order and direct the Courſe of Husbandry that ſhall be uſed in ſuch of the ſaid common Fields and Meadows as ſhall be fallow the Year wherein ſuch intended Diviſion ſhall be made, and in all and every other the ſaid common Fields and Meadows not being fallow, until ſuch Time as the ſaid Commiſſioners ſhall have completed the Diviſion and Allotment, and executed their ſaid Award or Inſtrument; and that all the Lands in the open Fields and Grounds aforeſaid, ſhall, in the mean Time and until the Execution of the ſaid Award, be ſubject to ſuch Rules, Orders, and Directions, with regard to Stocking, Ploughing, Sowing, Tilling, Manuring, and Cultivating of the ſame, as the ſaid Commiſſioners, or any Two of them, ſhall order, direct, or appoint in that Behalf.

Commiſſioners to direct the Courſe of Huſbandry.

**And be it further Enacted,** That the ſaid Commiſſioners, or any Two of them, ſhall and they are hereby required to give publick Notice in the Pariſh Church of *Threekingham* aforeſaid, on ſome *Sunday* immediately after Divine Service, of the Time and Place of their Firſt and every other Meeting, at leaſt Five Days before every ſuch Meeting, Meetings by Adjournment only excepted.

Commiſſioners to give Notice of their Meetings.

**And be it further Enacted,** That if any of the ſaid Commiſſioners hereby nominated and appointed, or any Commiſſioners hereafter to be elected and choſen in Manner hereafter mentioned, ſhall die

Commiſſioners dying or refuſing to act new Ones to be choſen.

die or refuſe to act, that then and ſo often it ſhall and may be lawful to and for the ſurviving Commiſſioner or Commiſſioners, by Writing under his or their Hand and Seal or Hands and Seals, to nominate and appoint One or more Perſon or Perſons, not intereſted in the ſaid Incloſure, in the Room or Stead of ſuch Commiſſioner or Commiſſioners ſo dying or refuſing to act; which ſaid Commiſſioner or Commiſſioners, ſo to be from time to time nominated and appointed, ſhall have, and is and are hereby declared to have, the ſame Powers and Authorities to put this Act into Execution as if he or they had reſpectively been hereby nominated and appointed.

The Act not to prejudice any Will or Settlement.

**And be it further Enacted,** That nothing in this Act contained ſhall extend or be conſtrued, adjudged, or taken to extend to revoke, make void, alter, or annul any Will, Settlement, or Mortgage, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Out-rent, Fee-farm-Rent, Incumbrance, or other Demand, out of, upon, or affecting any Lands or Grounds hereby intended to be incloſed, or out of, upon, or affecting any Meſſuages, Tenements, Lands, or Grounds that ſhall be exchanged by virtue of this Act, or any Part or Parts thereof reſpectively; but that each and every Proprietor ſhall ſtand and be ſeiſed of and in the Meſſuages, Tenements, Lands, and Grounds to be received in Exchange for, or aſſigned or allotted to him, her, or them as aforeſaid, to ſuch and the ſame Uſe and Uſes, and for ſuch and the ſame Eſtate and Eſtates, and Intereſts, and ſubject to ſuch and the ſame Wills, Powers, Proviſoes, Limitations, Truſts, Charges, Rents, Out-rents, Fee-farm Rents, Mortgages, Incumbrances, and Demands, as he, ſhe, or they was or were reſpectively ſeiſed of, and in his, her, or their ſeveral Meſſuages, Tenements, Lands, and Grounds, and common Rights, before the making of ſuch Diviſion, Allotments, and Exchanges reſpectively, and in ſuch Manner as he, ſhe, or they would have been in caſe this Act had not been made; any Thing herein contained to the contrary notwithſtanding.

For borrowing Money.

**And be it further Enacted,** That it ſhall and may be lawful to and for any of the Owners and Proprietors reſpectively, of any Denomination whatſoever (other than the ſaid Vicar and his Succeſſors now or for the Time being) of Lands and Grounds lying in the ſaid open Fields and Meadows, his, her, and their Truſtee or Truſtees, Guardian or Guardians reſpectively, to charge all or any of the Lands and Grounds which ſhall be aſſigned or allotted to them reſpectively by virtue of this Act, with any Sum or Sums of Money not exceeding Forty Shillings for every Acre ſo to be allotted, to be applied and diſpoſed of for the Purpoſes of this Act; and for ſecuring the Repayment of ſuch Sum and Sums of Money, with Intereſt for the ſame, to

make

make and execute any Grants, Mortgages, Leaſes, or Demiſes of the Lands and Grounds ſo to be charged unto ſuch Perſon or Perſons as ſhall advance and lend any ſuch Money, ſo as every ſuch Grant, Demiſe, or other Inſtrument of Aſſurance be made with a Proviſo, Condition, or proper Clauſe, to ceaſe and be void, or with an expreſs Truſt to be ſurrendered, when ſuch Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall be fully ſatisfied and paid; and ſo as every ſuch Grant, Mortgage, Demiſe, or Inſtrument to be made by any Tenant for Life, or Tenant in Tail, contain a Proviſo that the Perſon intitled in Remainder or Reverſion ſhall not be liable upon his or her becoming poſſeſſed of the Premiſes to the Payment of any further or larger Arrear of Intereſt than for One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall have commenced; and that every of the Securities ſo to be made upon the ſaid Grounds, Lands and Premiſes, or any Part or Parts thereof, for the Purpoſes aforeſaid, in purſuance of this Act, ſhall be good, valid and effectual in the Law, notwithſtanding any Will, Uſe, Truſt or Limitation of or concerning ſuch Lands, Grounds, and Premiſes, or any Part or Parts thereof, then in being or capable of taking Effect.

**And be it further Enacted,** That all and every Perſon or Perſons to whom any Grant, Mortgage, Leaſe, or Demiſe ſhall be made by virtue of this Act, as a Security for any Sum or Sums of Money by him, her, or them lent and advanced on the Credit of and for the Purpoſes mentioned in this Act, or who ſhall be intitled to the Money thereby ſecured, ſhall and may from time to time, by Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal or Hands and Seals, to be executed in the Preſence of Two or more credible Witneſſes, aſſign or transfer the ſame Security or Securities, or the principal Money and Intereſt thereby ſecured, and all Benefit of, and all his, her and their Right, Title, and Intereſt in and to the ſame, unto any Perſon or Perſons whomſoever, who may again in like Manner aſſign the ſame, and ſo *toties quoties*; and ſuch Mortgagee or Mortgagees, Aſſignee or Aſſignees, his, her, and their Executors and Adminiſtrators, and all Perſons claiming under them or any of them, ſhall and may uſe, take, and purſue all ſuch Methods, Courſes, and Expedients in Law or Equity, for recovering and obtaining the Poſſeſſion of the Premiſes ſo to be mortgaged, demiſed, or aſſigned as aforeſaid, in caſe of Non-Payment of the principal Money and Intereſt to be thereby ſecured, or any Part thereof, as is or are uſed, taken, and purſued in all Caſes of the like Nature. Securities may be aſſigned.

**And be it further Enacted,** That in caſe any Perſon or Perſons ſhall refuſe or neglect to incloſe, hedge, ditch, drain, or fence his, her, or their Share or Allotment, Shares or Allotments, within ſuch For incloſing Allotments.

Time as the ſaid Commiſſioners, or any Two of them, ſhall, in their Award aforeſaid, direct or appoint, then and in ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioners, or any Two of them, to incloſe, hedge, ditch, and fence ſuch Perſon or Perſons Shares or Allotments who ſhall neglect or refuſe as aforeſaid, and to raiſe and pay the Expences thereof, in Manner herein after directed.

For defraying the Expences of the Act.

**And be it further Enacted**, That the Charges and Expences of paſſing this Act, and all the Coſts and Charges attending the ſame, and of ſurveying, admeaſuring, planning, dividing, and allotting the Lands and Grounds ſo intended to be incloſed as aforeſaid, and of preparing and inrolling the ſaid Award or Inſtrument, and all other the neceſſary Charges and Expences of the ſaid Commiſſioners, and other neceſſary Expences about and concerning the ſaid Premiſes, ſhall be borne, paid, and defrayed by the ſeveral Owners and Proprietors (other than and except the ſaid *Richard Wynne* as Impropriator as aforeſaid, and the ſaid *John Towers* and his Succeſſors, Vicars as aforeſaid) in ſuch Shares and Proportions as ſhall be ſettled, adjuſted, and aſcertained by the ſaid Commiſſioners, or any Two of them; and in caſe any of the Perſons aforeſaid ſhall refuſe or neglect to pay his, her, or their Shares and Proportions of ſuch Charges and Expences, or the Charges and the Expences of incloſing, hedging, ditching, or fencing his, her, or their Shares and Allotments within the Time to be limited by the ſaid Commiſſioners, or any Two of them, to ſuch Perſon or Perſons as they, or any Two of them, ſhall appoint to receive the ſame, then and in either of the Caſes aforeſaid it ſhall and may be lawful for the ſaid Commiſſioners, or any Two of them, by Warrant under their Hands and Seals, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) on Demand, to the Owner or Owners of ſuch Goods and Chattels, deducting the Coſts and Charges of making ſuch Diſtreſs and Sale or otherwiſe, that it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Two of them, from time to time to enter into and upon the Lands and Premiſes belonging to ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, and to receive and take the Rents and Profits thereof reſpectively, until thereby or therewith the Share or Shares, Proportion or Proportions of the ſaid reſpective Coſts and Charges ſo to be from time to time directed, awarded, and appointed by the ſaid Commiſſioners, or any Two of them, to be paid by ſuch of the ſaid Parties as aforeſaid, and alſo all Coſts, Charges, and Expences occaſioned by or attending ſuch Entry upon and Receipt of the Rents and Profits of the ſame Premiſes, ſhall reſpectively be fully paid and ſatisfied.

**And be it further Enacted**, That it ſhall and may be lawful to and for the ſaid *John Towers* and his Succeſſors, Vicars as aforeſaid (by and with the Conſent of the Lord Biſhop of *Lincoln* for the Time being, to be certified and declared by an Inſtrument or Writing under his Hand and Seal, atteſted by Two credible Witneſſes, and annexed to the Leaſe or Leaſes) to grant any Leaſe or Leaſes to any Perſon or Perſons of all or any Part or Parts of the Allotment or Allotments to be ſet out to and for him and his Succeſſors, Vicars as aforeſaid, by virtue of this Act, for any Number of Years not exceeding Twenty-one Years, ſo as the ſame ſhall commence within Six Calendar Months next after the Execution of the ſaid Award or Inſtrument, and ſo as ſuch Leaſe or Leaſes be not made without Impeachment of Waſte by any expreſs Words to be therein contained, and ſo as ſuch Leſſee or Leſſees ſhall and do at his or their own proper Coſts and Charges make or cauſe to be made all proper and ſufficient Subdiviſion-Fences of and in the ſaid Allotments ſo to be demiſed or leaſed as aforeſaid, and ſhall and do at his or their own like Coſts and Charges keep up, ſupport, and maintain ſuch Subdiviſion-Fences and Ring-Fences, and every of them, during the Remainder of his or their Terms of and in the ſaid Premiſes, and ſo as ſuch Leſſee or Leſſees be obliged to ſpread, ſpend, and conſume on the Premiſes in an Huſband-like Manner, during their reſpective Leaſes, all the Dung and Manure ariſing from the Product thereof, and ſo as the beſt and moſt improved yearly Rent or Rents be reſerved and made payable thereon, without any Fine or Premium being taken by the ſaid Vicar or his Succeſſors, and ſo as the uſual Powers of Re-entry for Non-payment of Rent be inſerted therein, and ſo as the reſpective Leſſee or Leſſees do ſeal, execute, and deliver a Counterpart of ſuch Leaſe or Leaſes; and every ſuch Leaſe or Leaſes, ſo to be made as aforeſaid, ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever; any Law, Statute, or Uſage to the contrary notwithſtanding.

Vicar may grant Leaſes.

**And be it further Enacted**, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Thing done in purſuance of this Act, then and in every ſuch Caſe (except in ſuch Caſes where the Orders and Determinations of the ſaid Commiſſioners are directed to be binding and concluſive upon all Parties) he, ſhe, or they may appeal to the next General Quarter Seſſions of the Peace which ſhall be held for the Diviſion of *Keſteven*, in the ſaid County of *Lincoln*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen; and the Juſtices in their ſaid General Quarter Seſſions, are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Damages which

Allowing an Appeal to the Quarter Seſſions.

ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of every ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of his Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

Saving of Lords Rights.

**And be it further Enacted,** That nothing in this Act contained ſhall prejudice the Rights of the ſaid *Mathew* Lord *Forteſcue* and *Richard Wynne*, as Lords of the ſaid Manors, or any future Lords of the ſaid Manors; but that ſuch Lords for the Time being, and all Perſons claiming in Truſt for them, ſhall at all Times hereafter hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquiſites and Profits of Courts, and all other Royalties, Privileges, and Juriſdictions to the ſaid Manors, or either of them, or to the Lords thereof, or either of them, reſpectively belonging or appertaining (other than and except ſuch Right of Common as can or may be claimed by ſuch Lord or Lords upon the Lands hereby intended to divided and incloſed) in as full, ample, and beneficial Manner, to all Intents and Purpoſes, as they might have held and enjoyed the ſame in caſe this Act had not been made.

General Saving.

**Saving always** to the KING's moſt Excellent MAJESTY, his Heirs and Succeſſors, and to all and every Perſon and Perſons, Bodies Politick and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators (other than and except the reſpective Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act, in reſpect only of the Intereſt or Property for which ſuch Allotment or Allotments ſhall be made, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators) all ſuch Eſtate, Right, Title, and Intereſt as they, every or any of them, had or enjoyed of, in, to, or in reſpect of the ſaid open and common Fields, Meadows, and commonable Grounds ſo intended to be divided and incloſed as aforeſaid, any Time before the Paſſing of this Act, or would or ought to have held and enjoyed in caſe this Act had not been made.

Saving of Lord's Rights.

AN

# ACT

FOR

Dividing and Incloſing the Open and Common Fields and Meadows of *Stow*, within the Pariſh of *Threekingham*, in the County of *Lincoln*.

[ 1767. ]